

**State of California  
Office of Administrative Law**

**In re:**  
**Department of Veterans Affairs**

**Regulatory Action:**

**Title 12, California Code of Regulations**

**Adopt sections: 509**

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF CERTIFICATE OF  
COMPLIANCE**

**Government Code Sections 11349.1 and  
11349.6(d)**

**OAL Matter Number: 2016-1122-04**

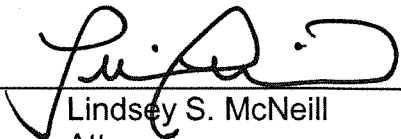
**OAL Matter Type: Certificate of Compliance  
(C)**

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This certificate of compliance filing by the Department of Veterans Affairs makes permanent OAL File No. 2016-0608-03E, which adopted section 509 in title 12 of the California Code of Regulations to clarify that veteran members who intend to take an aid-in-dying drug pursuant to part 1.85 of division 1 of the Health and Safety Code (End of Life Option Act) in order to end his or her life shall discharge from the veterans home prior to receiving and taking the drug.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

**Date: January 9, 2017**

  
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Lindsey S. McNeill  
Attorney

**For: Debra M. Cornez  
Director**

**Original: Vito Imbasciani**

**Copy: Phil McAllister**

## NOTICE PUBLICATION/REGULATION SUBMISSION

CERT

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2016-0823-10</b>	REGULATORY ACTION NUMBER <b>2016-1122-04C</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

JAN 09 2017

1:36PM

2016 NOV 22 A 9:53

OFFICE OF  
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

California Department of Veterans Affairs

AGENCY FILE NUMBER (if any)

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER <b>2016,36.2</b>	PUBLICATION DATE <b>9/2/2016</b>

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) End of Life Option Act		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2016-0608-03E	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT <b>509 (a); 509 (b); 509 (c); 509 (d)</b>	
TITLE(S) <b>12</b>		AMEND	
		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal			
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Phil McAllister		TELEPHONE NUMBER 916-653-1961	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional)

per agency

LM request 11/17

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

11/15/2016

TYPED NAME AND TITLE OF SIGNATORY

Vito Imbasciani, MD

per agency

LM request 11/17

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 09 2017

Office of Administrative Law

## **TITLE 12. CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS**

### **509. End of Life Option Act**

(a) All terminally ill members shall receive appropriate and necessary medical care, including counseling, hospice, and palliative care, as appropriate and desired.

(b) The Veterans Home shall not provide aid-in-dying drugs, as defined in California Health and Safety Code section 443.1, subdivision (b). Employees, independent contractors, or other persons or entities, including health care providers, shall not participate in any activities under the End of Life Option Act, California Health and Safety Code sections 443-443.22, while on the premises of the Veterans Home, or while acting within the course and scope of any employment by, or contract with, the Veterans Home.

(c) If a member intends to take an aid-in-dying drug to end his or her life, prior to receiving and taking the drug, the member shall discharge from the Veterans Home.

(d) The Veterans Home shall re-admit a member if the member discharges pursuant to this section, elects not to take the aid-in-dying drug, and elects to return to the Veterans Home.

#### **Note:**

Authority cited: Sections 1014 and 1044, Military and Veterans Code.

Reference: Sections 443, 443.1, 443.2, 443.3, 443.4, 443.5, 443.6, 443.7, 443.8, 443.9, 443.10, 443.11, 443.12, 443.13, 443.14, 443.15, 443.16, 443.17, 443.18, 443.19, 443.20, 443.21, 443.215 and 443.22, Health and Safety Code; 42 U.S.C. § 14402; and 38 C.F.R. § 51.210.